

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:23-cr-138

v.

Hon. Hala Y. Jarbou
Chief United States District Judge

DERRICK SMITH, JR.,

Defendant.

/

**DEFENDANT'S MOTION FOR ENDS OF JUSTICE
CONTINUANCE AND BRIEF IN SUPPORT**

The defendant Derrick Smith, Jr., by his attorney James Stevenson Fisher, Assistant Federal Public Defender, moves this Honorable Court for a 120-day ends of justice continuance of the 12(b) motion filing deadline, final pretrial conference, and jury trial dates. The defendant requests this continuance under 18 U.S.C. § 3161(h)(7)(A). Defense counsel has consulted with AUSA Jacob S. Metoxen. The government does not oppose this request.

On November 14, 2023, the government charged Mr. Smith with being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8), and 921(a). On November 17, 2023, Mr. Smith appeared in court, with undersigned counsel present, for his initial appearance, arraignment, initial pretrial conference, and detention hearings. He was released on bond. The final pretrial conference is scheduled for December 19, 2023, and the jury trial is scheduled for January 22, 2024.

After discussions with defense counsel regarding redaction of evidence, the government filed a motion for a protective order in this matter, which was only recently signed. (ECF No. 15, PageID.27). As a result, counsel has not yet received discovery, inhibiting review of this matter and communication with Mr. Smith regarding possible defenses or resolution of the case. Counsel will need more time to receive and review discovery in this matter, to conduct legal research to determine whether any legal issues require the filing of any motions prior to trial, and to consult with Mr. Smith regarding possible defenses or resolution of the case. The additional time will give Mr. Smith sufficient time to consider his available options to determine how to proceed in this case.

Granting of this continuance would serve the ends of justice. Counsel is unaware of any undue prejudice to the government that would result from this extension of time. Mr. Smith is currently released pending trial on this matter, so no prejudice arises from adjourning the current dates. Mr. Smith agrees to the adjournment requested here. Mr. Smith understands that he has a right to a speedy trial under 18 U.S.C. § 3161. A signed Consent to Adjournment will be filed separately. The continuance is necessary, reasonable, and for good cause.

WHEREFORE, Derrick Smith respectfully requests that this Honorable Court grant his request for a 120-day ends of justice continuance of the 12(b) motion filing deadline, final pretrial conference, and jury trial dates.

Respectfully submitted,

SHARON A. TUREK
Federal Public Defender

Dated: December 5, 2023

/s/ James Stevenson Fisher

JAMES STEVENSON FISHER
Assistant Federal Public Defender
50 Louis, NW, Suite 300
Grand Rapids, Michigan 49503
(616) 742-7420